

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

PAUL ROLLEN,

Petitioner,

v.

TROY STEELE,

Respondent.

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No. 4:06-CV-1114 CAS

**ORDER**

This state prisoner habeas matter under 28 U.S.C. § 2254 is before the Court on petitioner's "Motion for Recusal of District Judge and for Rehearing of Report and Recommendation on all Dispositive and Non-Dispositive Matters by Unconflicted [sic] Judge." The motion states in part that the Honorable Booker T. Shaw, brother of the undersigned, was one of three judges on the Missouri Court of Appeals panel that reviewed petitioner's appeal from the denial of postconviction relief in state court criminal proceedings.

The Court has confirmed that Judge Booker T. Shaw participated in the state court proceedings concerning petitioner's conviction. The Court was not aware of this fact until petitioner filed the instant motion. The names of the judges on the Missouri Court of Appeals panel in petitioner's state case do not appear in the Petition. The Court notes that this case was referred to the Honorable Mary Ann L. Medler, United States Magistrate Judge, on July 31, 2006, for a report and recommendation on dispositive matters and for rulings on non-dispositive matters. See Case Management Order, Doc. 5. In September 2006, the respondent filed exhibits with the Clerk's Office in paper form, in support its response to the petition for writ of habeas corpus. See Response to Order to Show Cause and Notice of Filing Exhibits, Docs. 6, 7. Because the case is referred to Judge Medler, this Court has not seen and has had no contact with the exhibits, which consist of documents from the underlying state case, or with respondent's response to the petition for writ of habeas corpus. The Court notes that petitioner's motions for review of the Magistrate Judge's rulings, which

this Court denied, did not concern actions taken by the Missouri Court of Appeals. See Order dated March 9, 2007, Doc. 24; docket text order of March 19, 2007; Order dated April 5, 2007, Doc. 32.


Based on the foregoing, there are circumstances present in this case which give rise to the need for recusal pursuant to 28 U.S.C. § 455(b). This case will be randomly reassigned to another district judge for a determination of the relief, if any, to which petitioner may be entitled.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's motion for recusal of district judge is **GRANTED**.

**IT IS FURTHER ORDERED** that this case is transmitted to the Clerk of the Court for random reassignment to another district judge.

**IT IS FURTHER ORDERED** that petitioner's motion for rehearing of report and recommendation on all dispositive and non-dispositive matters remains pending for ruling by the district judge to whom this case is reassigned. [Doc. 33]

  
**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 16th day of April, 2007.